

Filed for intro on 02/02/2000
HOUSE BILL 2587 By
DeBerry J

SENATE BILL 3209
By Dixon

AN ACT to amend Tennessee Code Annotated, Title 71, Chapter 5, Part 1, relative to the TennCare program.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 71-5-111, is amended by deleting that section in its entirety and by substituting instead the following:

(a) When an application for medical assistance under this part is filed, the agency designated by this part to determine eligibility shall promptly make or cause to be made an investigation to ascertain the facts supporting the application and such other information as may be required.

(b) The department of health shall be responsible for developing sufficient requirements as may be necessary to ensure that eligibility determination processes, including those of any other department or contractor, for any program under this part, are sufficient to prevent ineligible persons from receiving benefits. As part of such responsibility, the department shall ensure that annual reverification shall occur for all enrollees.

SECTION 2. Tennessee Code Annotated, Title 71, Chapter 5, Part 1, is amended by adding the following:

(--)(a) A person commits an offense who, knowingly, obtains, or attempts to obtain, or aids or abets any person to obtain, by means of a willfully false statement, representation, or impersonation, or by any other fraudulent means or in any manner not authorized by this part, or by the regulations or procedures issued or implemented by the department pursuant to this part, medical assistance or any assistance provided pursuant to the part, to which such person is not entitled, or of a greater value than that to which such person is authorized.

(b) An offense under this section is a Class E felony.

(c) In addition to the foregoing penalty, the court may order that any such person be disqualified from participation in the medical assistance program, as an enrollee or provider, for a period of twelve (12) months for a first offense, twenty-four (24) months for a second offense, and permanently for a subsequent offense. The court may also order restitution in the total amount of all payments for medical assistance for such person and all capitation payments to the managed care entity related to services for such person.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.